

## **REMARKS**

Claims 34-37 and 45-48, as amended, and new claims 51-60 are pending in this application for the Examiner's review and consideration. Applicant appreciates the Examiner's allowance of claims 34-37. Claim 36 was amended to have proper antecedent basis. Specifically, claim 36 was amended to replace the phrase "pharmaceutically acceptable carrier" with "--pharmaceutically acceptable solvent--". Claims 1-33, 38-44, and 49 were canceled. Applicant reserves the right to file one or more continuation applications to pursue the subject matter of the canceled claims and/or any other unclaimed subject matter.

Applicant has not canceled withdrawn method claims 45-48. The Manual of Patent Examining Procedure ("MPEP") states that when:

The examiner has required restriction between product and process claims. Where applicant elects claims directed to the product, and the product claims are subsequently found allowable, withdrawn process claims that depend from or otherwise require all the limitations of the allowable product claim will be considered for rejoinder.

(See, MPEP ¶ 806.05(h) and Form paragraph 8.21.04). Accordingly, because process of use claims 38-48 depend from allowed independent product claim 34, Applicants respectfully request that these process of use claims be rejoined.

Applicant appreciates the courtesy extended to Applicant's attorney, Paul E. Dietze, in a telephonic interview on May 19, 2008. The remarks provided below are in substantial accordance with the discussions held during the interview.

In the telephonic interview, Applicant requested that they be able to replace the canceled claims with new claims directed to specific combinations of the solvents recited in allowed claim 34, which recites, in part, "a pharmaceutically acceptable solvent selected from [a Markush group of solvents], and combinations thereof." The Examiner agreed to consider such claims. Accordingly, Applicant has added new dependent claims 50-60 reciting specific combinations of solvents.

## **CONCLUSIONS**

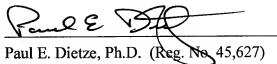
It is respectfully submitted that all claims are now in condition for allowance, early notice

of which would be appreciated. Should the Examiner disagree, Applicant respectfully requests a telephonic or in-person interview with the undersigned attorney to discuss any remaining issues and to expedite eventual allowance of the claims.

No fees are believed to be due for this submission. Should any additional fees be required, please charge the required fees to to Townsend and Townsend and Crew LLP deposit account no. 201430.

Respectfully submitted,

Date: May 22, 2008

  
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